AMENDMENTS TO THE CLAIMS:

Please cancel claims 1-8 without prejudice or disclaimer.

1-8. (Canceled).

9. (Original) A focus error detecting device for an optical pickup including a collimator-type optical element for correcting aberration of a light beam, the device comprising:

a diffraction optical element having an outer diameter which is smaller than a diameter of the light beam after aberration correction is performed by said collimator-type optical element, and selectively diffracting light passing through an annular portion with an optical axis as a center in a plane perpendicular to said optical axis of said light beam; and

a photodetector which detects the light diffracted by said diffraction optical element,

wherein said annular portion includes a portion in which residual ray aberration after aberration correction by said collimator-type optical element is the smallest.

10. (Currently amended) A focus error detecting device according to claim 9, wherein said diffraction optical element ~~is~~ comprises a hologram optical element.

11. (Original) A focus error detecting device according to claim 9, further comprising a focus error signal generator which generates a focus error signal from a detection signal provided by said photodetector.

12. (Currently amended) A focus error detecting device according to claim 11, wherein said photodetector ~~is~~ comprises a split detector having a plurality of photodetection portions and said focus error signal generator generates said focus error signal according to an astigmatic method.

13. (Original) An optical pickup device for focusing a light beam on a recording medium and detecting the light beam reflected from said recording medium, the device comprising:

an aberration correcting unit including a collimator-type optical element for correcting aberration of said light beam;

a diffraction optical element having an outer diameter that is smaller than a diameter of the light beam after the aberration correction is performed, and selectively diffracting light passing through an annular portion with said optical axis as a center in a plane perpendicular to said optical axis of said light beam; and

a photodetector for detecting the light diffracted by said diffraction optical element,

wherein said annular portion includes a portion in which residual ray aberration after aberration correction by said collimator-type optical element is the smallest.